

CONSERVATION EASEMENT

STATE OF FLORIDA:

COUNTY OF LEON:

THIS CONSERVATION EASEMENT is hereby made on this 3rd day of February, 2005, by Vernon Virginia Rhoden, whose mailing address is 221 Rhoden Cove Road, Tallahassee FL 32312, hereinafter referred to as the "Grantor," to LEON COUNTY, FLORIDA, a political subdivision of the State of Florida, whose mailing address is Board of County Commissioners, 301 South Monroe Street, Tallahassee, Florida 32301, hereinafter referred to as the "Grantee."

WITNESSETH:

For and in consideration of the mutual promises and other good and valuable consideration as set forth herein, the receipt and sufficiency of which is hereby acknowledged, the Grantor does hereby grant to the Grantee, its successors and assigns, a perpetual Conservation Easement in accordance with Section 704.06, Florida Statutes, over and across the real property more particularly described on Exhibit "A", which is attached hereto and expressly incorporated herein, on the terms and conditions hereinafter set forth:

The following activities are prohibited within this easement, pursuant to Section 704.06, Florida Statutes:

1. Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures above or on the ground.
2. Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials.
3. Removal or destruction of trees, shrubs, or other vegetation
4. Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such matter as to affect the surface.
5. Surface use except for purposes that permit the land or water area to remain predominately in its natural condition.
6. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife conservation habitat preservation.
7. Acts or uses detrimental to such retention of land or water areas.
8. Acts or uses detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archeological, or cultural significance.

Notwithstanding the foregoing, the activities set forth in Exhibit "B", which is attached hereto and expressly incorporated herein, shall be allowed within the easement. Exhibit "B" also addresses other terms and conditions of this easement.

It is understood that the granting of this easement entitles the Grantee to enter the above-described land in a reasonable manner and at reasonable times to assure compliance with the conditions of this easement.

Grantor hereby fully warrants the title to said real property and will defend the same against the lawful claims of all persons whomsoever claimed by, through or under it, that it has good rights and lawful authority to grant this easement and that the same is unencumbered.

Where the context of this easement requires, allows or permits, the same shall include the successors or assigns of the parties.

The easement granted hereby shall run with the land and shall enure to the benefit of the Grantee and its successors and assigns.

IN WITNESS WHEREOF, Grantor has caused these covenants to be executed and its seal to be affixed hereto on the day and year first above written.

GRANTOR

Vernon Virginia Rhoden
(Name typewritten)

Vernon Virginia Rhoden
(Signature)

WITNESSES:

Tracy Wheeler
(Sign)
Tracy Wheeler
(Print Name)

CHERYL L. POOLE
(Sign)
CHERYL L. POOLE
(Print Name)


STATE OF Florida

COUNTY OF Leon

The foregoing instrument was acknowledged before me this 3 day of February, 2005
by Vernon Virginia Rhoden, who is personally known to me or who has produced
(name of person acknowledging)

_____ as identification.
(type of identification produced)

Tracy Wheeler
(Signature of Notary)

 **Tracy Wheeler**
(Print Name)
Commission # 00094278
Expires June 14, 2006
Bonded Troy Pain - Insurance, Inc. 800-586-7018

(Title or Rank)

(Serial Number, If Any)

This Instrument was prepared by:
Herbert W. A. Thiele, Esq., County Attorney
Leon County Attorney's Office
301 South Monroe Street
Tallahassee, Florida 32301

EXHIBIT "B"

SPECIAL ACTIVITIES

The purpose of this plan is to prevent erosion of steep slopes while maintaining native vegetation and controlling invasive exotic plants. This plan also allows for control of nuisance or weedy native plants in order to encourage development of a healthy forest community. To achieve these goals, vegetation management activities within the conservation easement may include the techniques listed below. Any deviation from the activities listed must be approved by the Leon County Growth and Environmental Management (LCGEM) Department.

Control and Eradication of Invasive Exotic Plant Species

- 1) Invasive exotic species are recognized as those listed by the Florida Exotic Pest Plant Council on their List of Invasive Species or its successor. Any additional invasive exotic plant species proposed to be treated or removed must first be approved by LCGEM.
- 2) Small plants may be pulled from the ground by hand. For larger plants that aren't easily pulled by hand, any obvious clusters of fruits or seeds may be clipped from their tops. These plants along with their fruits and seed parts must be placed in plastic garbage bags and disposed of in a landfill. Attention should be made to ensure that any plant materials, including fruits or seeds are not dispersed into other areas during removal from the site.
- 3) Large shrubs or extensive patches which cannot be managed by hand may be treated with an herbicide designed for such purposes and must be used in accordance with the manufacturer's directions. LCGEM should be contacted with questions regarding the specific types of herbicides to use and appropriate methods of treatment.

Control of Native Nuisance Plant Species

- 1) Native nuisance species shall be recognized as catbriar (*Smilax spp.*), grapevine (*Vitis spp.*), blackberry (*Rubus spp.*), virginia creeper (*Parthenocissus quinquefolia*), trumpet vine (*Campsis radicans*), poison ivy (*Toxicodendron radicans*), and poison oak (*Toxicodendron toxicarium*).
- 2) Plants may be pulled from the ground by hand, clipped, or if absolutely necessary treated with an appropriate herbicide as described in #3 above.

Thinning and Control of Weedy Hardwoods

Sweetgum (*Liquidambar styraciflua*) trees which are less than 4' diameter at breast height (DBH) may be cut with hand tools at ground level. No soil disturbance or use of heavy equipment is allowed within the management areas.

Pruning of Hazardous Limbs

Dead or dying tree limbs which pose a potential hazard may be removed. Any such pruning shall be performed by a licensed professional in accordance with accepted arboricultural practices as defined by the National Arboricultural Standards.

Commence at a terra cotta monument marking the Northeast corner of Section 1, Township 1 North, Range 1 West, Leon County, Florida, and run South 1320.15 feet, thence North 89 degrees 49 minutes 54 seconds West 938.65 feet to an iron pipe marking the Northwest corner of property described in Official Records Book 950, Page 1148 of the Public Records of Leon County, Florida, thence South 00 degrees 07 minutes 21 seconds East along the West boundary of said property and a projection thereof a distance of 3996.98 feet to the South boundary of Rhoden Cove Road (60 foot wide right of way), thence South 89 degrees 55 minutes 25 seconds West along said right of way boundary 1283.50 feet to a concrete monument marking the Northeast corner of property described in said Official Records Book 830, Page 307, thence run South 00 degrees 48 minutes 46 seconds East along the East boundary of said property a distance of 613.71 feet to a concrete monument, thence South 89 degrees 55 minutes 25 seconds West 472.92 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING continue South 89 degrees 55 minutes 25 seconds West 167.61 feet, thence North 00 degrees 45 minutes 18 seconds West 45.74 feet, thence North 89 degrees 55 minutes 42 seconds East 167.61 feet, thence South 00 degrees 45 minutes 18 seconds East 45.72 feet to the POINT OF BEGINNING containing 7,664 square feet, more or less.

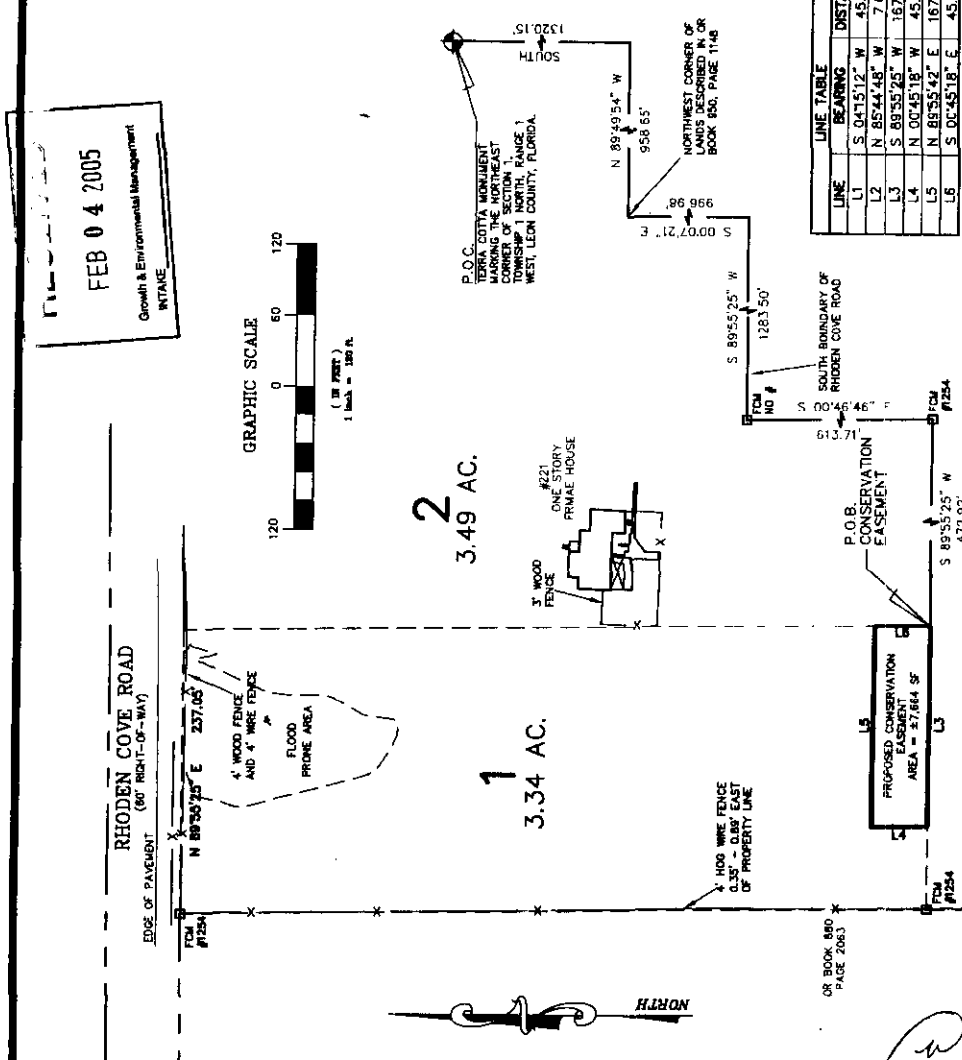
NOTES-

- 1) BEARINGS ARE BASED EAST BOUNDARY OF PARSON TRACT AS SHOWN HEREON.
- 2) THIS SURVEY IS DEPENDENT ON EXISTING DOCUMENTATION AS SHOWN HEREON.
- 3) NO UNDERGROUND TROTTERS OR ROOF OVERHANGS ARE LOCATED BY THIS SURVEY.
- 4) THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.
- 5) THE AREA OF PARSON TRACT IS A RECREATION EASEMENT BASED ON THE AVERAGE LEVEL OF PARSON TRACT PER DEED.
- 6) 2:00 INSURANCE RATE WAYS INDICATE THE PROPERTY IS LOCATED IN FLOOD ZONE.
- 7) AS INDICATED ON COMMUNITY NO. 120732 01200 LEON COUNTY, FLORIDA 11/18/87.
- 8) SEE SHEETS 2 THRU 8 FOR DESCRIPTIONS.
- 9) ANY FURTHER SUBDIVISION OF THE LOT OR LOTS SHALL BE SUBJECT TO THE REQUIREMENTS OF THE FLORIDA DEPARTMENT OF REVENUE SECTION 10-1122, SITE AND DEVELOPMENT PLANS, AS APPLICABLE.
- 10) THE LEON COUNTY LAND DEVELOPMENT CODE.
- 11) THE ABOVE INFORMATION SHOWS HEREON BASED ON OVERALL BOUNDARY SURVEY OF PARSON TRACT.

RHODEN COVE LIMITED PARTITION

2145 DELTA BOULEVARD, SUITE 100
TALLAHASSEE, FLORIDA 32303
TELEPHONE #: (850) 386-5117

PLS BOOK NO., PAGE 15-19
REV. 3-1-76
P. 15-19

[illegible]

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 04°15'12" W	45.64'
L2	N 85°44'48" W	7.08'
L3	S 89°55'25" W	167.61'
L4	N 00°45'18" W	45.74'
L5	N 89°55'42" E	167.61'

[illegible]